

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE  
HONORABLE ROBERT B. KUGLER

SECURIMETRICS, INC.,

Plaintiff,

v.

IRIDIAN TECHNOLOGIES, INC.,

Defendant.

Civil No. 03-4394 (RBK)

**APPEARANCES:**

John F. Olsen, Esq.  
Robertson, Freilich, Bruno  
& Cohen, LLC  
One Riverfront Plaza  
4th Floor  
Newark, NJ 07102

Mary Sue Henifin, Esq.  
Hale & Dorr, LLP  
650 College Road East  
Princeton, NJ 08540

**FILED**

**DEC 11 2003**

AT 8:30 <sup>M</sup>  
WILLIAM T. WALSH  
CLERK

**SCHEDULING ORDER**

This Scheduling Order confirms the directives given to counsel at the Scheduling Conference pursuant to Rule 16, Federal Rules of Civil Procedure on December 9, 2003.

**IT IS** this **11th** day of **December, 2003**, hereby **ORDERED**:

1. All initial written discovery requests shall be served by **January 15, 2004**. Any responses, answers and objections to initial written discovery requests shall be served in accordance with Court Rules.

2. Pretrial factual discovery is hereby extended to **June 15, 2004**. All pretrial discovery shall be concluded by that date.

3. The time within which to seek amendments to the pleadings or to add new parties will expire on **April 1, 2004**.

4. All affirmative experts' reports shall be served upon opposing counsel not later than **July 15, 2004**. All experts' reports on behalf of defendant shall be served upon counsel for plaintiff not later than **August 15, 2004**. Each such report should be accompanied by the curriculum vitae of the proposed expert witness. No expert opinion testimony shall be admitted at trial with respect to any witness for whom this procedure has not been timely followed. Depositions of proposed expert witnesses shall be concluded by **September 15, 2004**.

For purposes of this Scheduling Order, treating physicians shall not be considered expert witnesses and shall be treated as fact witnesses who are, however, required to provide reports and records concerning their treatment. However, any doctor who is going to express an opinion as to the cause of a particular condition or as to the future prognosis of a particular condition, shall be considered an expert subject to the requirement of Rule 26(a)(2)(B).

The parties shall also exchange, in accordance with the foregoing schedule, written statements identifying all opinion testimony counsel and the parties anticipate will be presented at trial pursuant to F.R.Evid. 701 and Teen-Ed v. Kimball International, Inc., 620 F.2d 399 (3d Cir. 1980).

5. Dispositive Motions.

Dispositive motions shall be filed pursuant to Local Civil Rule 7.1(b) (formerly General Rule 12N). The parties shall file with the Clerk of the Court the complete motion briefing packet in accordance with General Rule 7.1(b) no later than **November 15, 2004**. Initial papers must be served by October 15, 2004. Opposition and any reply thereto shall be served in accordance with the Court Rules (See Appendix N). If opposition to the motion is not served in a timely fashion, the moving party may file the motion with the court, and it shall be decided by the Court without opposition.

**DISPOSITIVE MOTIONS NOT TIMELY FILED IN ACCORDANCE WITH THIS SCHEDULE MAY ONLY BE HEARD AT THE DISCRETION OF THE DISTRICT COURT JUDGE.**

6. The Court will conduct an in-person status/settlement conference on **Friday, March 12, 2004 at 2:30 P.M.**. Clients with settlement authority shall appear in person. **FAILURE TO APPEAR WILL LEAD TO THE IMPOSITION OF SANCTIONS, INCLUDING COSTS.**

7. Any application for an extension of time beyond the deadlines set herein shall be made in writing to the undersigned and served upon all counsel prior to expiration of the period sought to be extended, and shall disclose in the application all such extensions previously obtained, the precise reasons necessitating the application showing good cause under Rule 16(b), and whether adversary counsel agree with the application. The schedule set herein will not be extended unless good cause is shown.

8. **THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER MAY RESULT IN IMPOSITION OF SANCTIONS UNDER RULE 16(f), FED. R. CIV. P.**

*Ann Marie Donio*

ANN MARIE DONIO  
United States Magistrate Judge

cc: Hon. Robert B. Kugler  
Barbara Fisher-Arthur, Courtroom Deputy